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Brown 19-26

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application

Applicant(s): M.K. Brown et al.
Case: 19-26
Serial No.: 09/620,495
Filing Date: July 20, 2000
Group: 2157
Examiner: Ramy M. Osman

I hereby certify that this paper is being deposited on this date with the U.S. Postal Service as first class mail addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature: Teresa M. Hamlin Date: March 28, 2006

Title: Content Interpolating Web Proxy Server

TRANSMITTAL LETTER

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are the following documents relating to the above-identified patent application:

(1) Pre-Appeal Brief Request for Review; and
(2) Notice of Appeal.

In the event of non-payment or improper payment of a required fee, the Commissioner is authorized to charge or to credit **Ryan, Mason & Lewis, LLP Deposit Account No. 50-0762** as required to correct the error. A duplicate copy of the Notice of Appeal is enclosed.

Respectfully submitted,

Joseph B. Ryan

Date: March 28, 2006

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Signature: Linda M. Hamlin Date: March 28, 2006

Title: Content Interpolating Web Proxy Server

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request review of the final rejection in the above-identified application. A Notice of Appeal is filed concurrently herewith. The review is requested for the reason(s) stated in the Remarks section below.

REMARKS

The present application was filed on July 20, 2000 with claims 1-20. Claim 8 was canceled in an Amendment filed December 4, 2003. Claims 1-7 and 9-20 are currently pending in the application. Claims 1, 13, 14 and 16-20 are the independent claims.

Claims 1-5, 7, 9, 12-14 and 16-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,626,958 (hereinafter "McCauley").

Claims 6, 15 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McCauley in view of U.S. Patent No. 6,421,733 (hereinafter "Tso").

Claims 10 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over McCauley in view of U.S. Patent No. 6,345,279 (hereinafter "Li")

Applicants respectfully request reconsideration of the present application in view of the previously-presented arguments noted below.

With regard to the §102(e) rejection of independent claims 1 and 18-20, Applicants respectfully request review based on the arguments previously presented in their Response to Office Action, filed October 6, 2004, at page 2, first paragraph, to page 4, last paragraph, and in their Amendment and Response to Office Action, filed June 27, 2005, at page 9, second and third paragraphs.

With regard to the §102(e) rejection of independent claims 13 and 14, Applicants respectfully request review based on the arguments previously presented in their October 6, 2004 Response to Office Action, at page 5, first and second paragraphs, and in their June 27, 2005 Amendment and Response to Office Action, at page 9, fourth paragraph.

With regard to the §102(e) rejection of independent claims 16 and 17, Applicants respectfully request review based on the arguments previously presented in their October 6, 2004 Response to Office Action, at page 5, last paragraph, and in their June 27, 2005 Amendment and Response to Office Action, at page 9, last paragraph, to page 10, first paragraph.

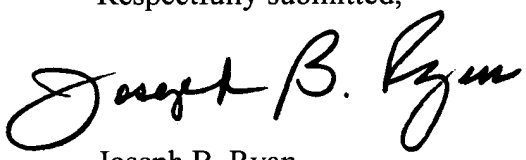
Generally, it is believed that the Examiner has failed to establish a proper *prima facie* case of anticipation in the above-noted §102(e) rejection of the independent claims. The Manual of Patent Examining Procedure (MPEP), Eight Edition, August 2001, §2131, specifies that a given claim is anticipated "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," citing Verdegaal Bros. v. Union

Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, MPEP §2131 indicates that the cited reference must show the "identical invention . . . in as complete detail as is contained in the . . . claim," citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). For the reasons identified in the particular portions of the previous responses noted above, Applicants submit that the Examiner has failed to establish anticipation of independent claims 1, 13, 14 and 16-20 by the McCauley reference.

Dependent claims 2-7, 9-12 and 15 are believed allowable for at least the reasons provided with regard to their respective independent claims. The Tso and Li references fail to supplement the fundamental deficiencies of McCauley as applied to the independent claims.

In view of the foregoing, Applicants respectfully request the withdrawal of the §102(e) and §103(a) rejections. The pending claims 1-7 and 9-20 are believed to be in condition for allowance, and such favorable action is earnestly solicited.

Respectfully submitted,



Date: March 28, 2006

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